

Why is it necessary to adopt rules on basic education waivers?

The Legislature has established basic education requirements in order to meet the paramount constitutional duty of the state to make ample provision for the education of all children . . . and “provide for a general and uniform system of public schools.” (RCW 28A.150.200-220.)

Districts must “provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment and citizenship.” The law sets a minimum instructional program of basic education that districts must offer, including but not limited to instructional hours, school days, and graduation credit requirements. The Washington State Board of Education oversees districts’ compliance with basic education program requirements.

RCW 28A.305.140 authorizes the SBE to grant waivers from the provisions of RCW 28A.150.200 through RCW 28A.150.220 on the basis that such waivers “are necessary to . . . implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student.” RCW 28A.305.141 creates a temporary authority to grant waivers for the purposes of economy and efficiency to a limited number of small districts.

Both statutes require SBE to adopt criteria to evaluate waiver requests. The SBE has not adopted criteria in rule under either statute. This leaves the State Board without a formal basis on which to reject or approve requests for waivers from minimum basic education program requirements. By adopting rules for waiver decisions, SBE demonstrates that it is meeting its statutory obligation to ensure compliance with basic education requirements.

Rule adoption will also clarify issues that cause confusion for both school districts and policy makers, and streamline and simplify waiver procedures that have grown overly complex and difficult for districts to follow.

What are the concepts under consideration for rule adoption?

1. *Create a new category of pre-approved waivers for full-day parent-teacher conferences.*

RCW 28A.150.203 defines “school day” as “each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.” Full-day parent-teacher conferences do not count toward the required 180 days because all students are not present on these days. While not specifically stated, “all” is implicit in the language.

The legislative definition of a school day requires districts to obtain a waiver for full days to be used for parent-teacher conferences. A law requiring districts that operate state-funded full-day Kindergarten to implement family-teacher conferences has further highlighted this issue.

Confusion further stems from the fact that “teacher/parent/guardian conferences” are included in the definition of “instructional hours” for compliance with the basic education requirement that districts make available to students in grades one to twelve a minimum, district-wide annual average of 1,000 instructional hours.

Given the inconsistency between the definitions of “school day” and “instructional hours” and the recognized importance of parental involvement to student achievement, SBE proposes to create in rule a new category of waivers for full-day parent-teacher conferences. A waiver of no more than five days will be provided to districts for the sake of parent-teacher conferences.

2. Adopt criteria for evaluation of Option One waivers under RCW 28A.305.140.

New criteria in rule would, for example, require districts to:

- Demonstrate how the waiver will raise student achievement.
- Show how administrators, teachers, other staff and the community were involved in the waiver request.
- Provide assurance of a district-wide average of 1,000 instructions.

The criteria would not:

- Require the district to have local or temporary circumstances requiring a waiver.
- Cap the number of days a district can request, though requests for more than five days will generate enhanced review.

3. Adopt criteria for evaluation of Option Two waivers under RCW 28A.305.141.

Option Two waivers are limited to five districts: two districts with enrollment below 150 and three with enrollment between 150 and 500. Criteria for evaluation are essential considering the competitive nature of this waiver.

4. Condense Option Three Waivers into Option One.

SBE has an expedited process for granting waivers of the 180-day school year. The waivers are limited to three days and to specific activities, with extensive criteria for approval and renewal. Districts with ‘persistently-lowest achieving’ schools are not eligible to apply for these waivers. As written, the rule does not enable these waivers to be renewed. With adoption of criteria for Option One waivers, the flawed Option Three process can be discarded, and the confusion caused by separate procedures for waivers of the same provision eliminated.